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Intellectual Property Law Group

Verizon Corporate Services Group Inc

To: **U.S. Patent and Trademark Office – Examiner: Raymod J. Bayerl Group Art Unit: 2173**

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FORMAL SUBMISSION OF:

1) **Appeal Brief.**

Title:	**METHOD AND APPARATUS FOR APPLICATION SHARING INTERFACE**
Serial No.	**09/362,014**
Filing Date:	**July 27, 1999**
First Named Inventor:	**MEEKS**
Atty. No.	**99-820**

CERTIFICATE OF FACSIMILE TRANSMISSION

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Christian R. Andersen

Date of Transmission: January 31, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Meeks, et al. Group Art Unit: 2173

Serial No.: 09/362,014 Examiner: Bayerl, Raymond J.

Filed: July 27, 1999

For: **METHOD AND APPARATUS FOR APPLICATION SHARING INTERFACE**

Attorney Docket No.: 99-820

APPEAL BRIEF

Mail Stop Appeal Brief- Patents
Commissioner for Patents
United States Patent and Trademark Office
Washington D.C. 20231

Dear Sir:

This appeal is from the decision of the Primary Examiner dated May 28, 2004 ("Final Office Action"), finally rejecting claims 1-17, 26, 28, 30, and 36-43, which are reproduced as an Appendix to this brief. The Notice of Appeal was filed on November 29, 2004. This application was filed on July 27, 1999. Submitted herewith are two additional copies of this Appeal Brief.

I. REAL PARTY IN INTEREST

The real party in interest is Verizon Laboratories Inc., Assignee, a corporation organized and existing under the laws of the state of Delaware, and having a place of business at 40 Sylvan Road, Waltham, MA 02451.

II. RELATED APPEALS AND INTERFERENCES

Applicants (hereinafter "Appellants") are not aware of any related appeals or interferences that would affect the Board's decision on the current appeal.

III. STATUS OF CLAIMS

Claims 1-43 are pending. Claims 18-25 and 35 are allowed. Claims 27, 29, and 31-34 have been indicated to contain allowable subject matter, but are objected to as depending from rejected base claims. Claims 1-17, 26, 28, 30, and 36-43, reproduced in the Appendix, have been rejected and are the subject of this appeal.

The Final Office Action rejected claims 1-8, 10, 12-17, and 42-43 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,308,199 ("Katsurabayashi") in view of U.S. Patent No. 5,758,110 ("Boss"). The Final Office Action further rejected claims 26 and 28 under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of U.S. Patent No. 5,907,324 ("Larson"). The Final Office Action further rejected claims 30 and 36-41 under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of U.S. Patent No. 5,790,127 ("Anderson").

IV. STATUS OF AMENDMENTS

No Amendment After Final Rejection has been entered into the prosecution record of the present application.

V. SUMMARY OF THE INVENTION

The present invention provides methods and apparatuses for an application sharing interface. An aspect of the present invention is an interface program for application sharing. This interface program allows application sharing to be minimally established by selecting one or more documents to be shared and one or more participants with whom to share such one or more documents. Subsequently, connectivity and any associated activity is automatically initiated. (Specification, 2: 19 – 3:2.)

Another aspect of the present invention includes routines which facilitate application sharing. Another aspect of the present invention is a windows update routine which facilitates generating an application list of window titles. Another aspect of the

present invention is event handling, which may be used to provide participant count information. Another aspect of the present invention are routines for storing and restoring configuration of an application sharing event. Another aspect of the present invention is routines for adding, changing, and removing participant listings from a participant list, which facilitates such adding, changing and removing whether currently engaged in an application sharing event or not. Another aspect of the present invention is a client-server system employing a server interface program for providing an application sharing service. (Specification, 2: 3-13.)

In an exemplary embodiment, a memory in a computer system comprises an operating system, application programs, one or more documents, a conferencing program, and an interface program. (Specification, 5: 16-18.) The interface program may be executed over a computer network. (Specification, 5: 22 – 6: 16.) The interface program minimally uses two user steps for invoking application sharing, these steps being, in any order, selecting one or more documents and selecting one or more persons. A set of documents or a set of persons may be selected to avoid having to select individual documents or participants. (Specification, 6: 18-21.)

Further, in an exemplary embodiment, an update routine is provided for generating a window list by filtering available windows and listing those that appear to correspond to shareable objects. The update routine may be used to generate an initial list of shareable objects or may be used to update a list of shareable objects. (Specification, 10: 8-13.) The update routine iterates through available windows, selecting and displaying information for certain of them. This information may comprise a window's title, visibility (whether hidden or not) and unique identification ("ID"). Additional information that may be obtained includes a window's source (for example, local computer, networked computer, shared view, or workspace) and, if available, information about an associated file or application program. (Specification 10: 19 – 11: 3.) A set of heuristics, *e.g.*, whether the window is visible, the contents of the window's title, the name of the document, *etc.*, is then used to determine whether to display information about a window or document. (Specification, 11: 8-9.)

Further, in an exemplary embodiment, a planned sharing routine allows for an object to be shared before it is opened. (Specification, 13: 11-19.) The planned sharing

routine includes selection of objects and selection of participants with whom to share the object. (Specification, 14: 5-15.) An exemplary embodiment also includes an ad hoc sharing routine allowing an object to be shared after it is opened. (Specification, 13: 11-19.) A user may select a window from a window list, and if the window is not currently selected for sharing, the user may choose to "ad hoc" share the window. (Specification, 15: 13 – 14: 7.)

Certain exemplary embodiments further provide for handling events, including Call Begins, Call Ends, User Added, User Dropped, Viewing Starts, Viewing Stops, Editing Starts, and Editing Stops. (Specification, 17: 8-13.)

Further, certain exemplary embodiments provide for snapshots, *i.e.*, an ability to save an in-process meeting context. By saving such a context, settings for subsequent same or similar meeting contexts may be initiated therefrom. Accordingly, a snapshot of an application-sharing meeting configuration contains addresses of meeting participants and descriptors of any and all shared windows or documents, which may include associated shared editing or viewing status information. (Specification, 18: 12-21.)

Further, an exemplary embodiment includes a participant list routine that may be used to add or update a participant list associated with a "Share View With" menu or a Call menu. The participant list routine facilitates adding new participant listings during an ongoing application sharing activity. Moreover, the participant list routine may be employed to access information from another directory source of information, such as LDAP, Outlook, and the like, including without limitation corporate directories. (Specification, 20: 8-14.)

VI. ISSUES

1. Does Katsurabayashi teach or suggest a host user selecting documents to be shared as is required by independent claims 1-2 and 7-8?

2. Is the requirement in claim 10 of "a participant list associated with the share view menu in response to the selection of the file" obvious over the combination of Katsurabayashi and Boss?

3. Is the requirement in claims 14 and 17 of "displaying the window list in a user interface" obvious over the combination of Katsurabayashi and Boss?

4. Does Katsurabayashi teach or suggest an "operating system configured for user selection of at least one object and at least one recipient" or "operating system configured for user selection of at least one window and at least one recipient" as required by claims 42 and 43?

5. Are the requirements in claims 26 and 28 of "selecting a name to save state of the application-sharing meeting configuration," "saving an address for each participant," and "saving descriptors for each shared application" obvious over the combination of Katsurabayashi and Larson?

6. Does Katsurabayashi teach or suggest the requirement of claim 30 of "setting a use item equal to a menu item"?

7. Does Anderson teach or suggest the requirements of claim 30 of "determining if the use item is currently in use" and "if the use item is not in use, setting a label of the use item to the target name; setting an address of the use item to the associated network address; and enabling use of the use item"?

8. Would it have been possible for one of ordinary skill in the art to have modified Katsurabayashi with the teachings of Anderson in order to meet the requirements of claim 30?

9. Is the requirement in claims 36 and 39 of "a call manager configured to maintain status information regarding the connectivity, the status information including current number of active participants" obvious over the combination of Katsurabayashi and Anderson?

VII. GROUPING OF CLAIMS

1. Claims 1-11 and 12-13 stand or fall together. *See* Issue No. 1.
2. Claim 10 stands or falls alone. *See* Issue No. 2.
3. Claims 14-17 stand or fall together. *See* Issue No. 3.
4. Claims 42 and 43 stand or fall together. *See* Issue No. 4.
5. Claims 26 and 28 stand or fall together. *See* Issue No. 5.
6. Claim 30 stands or falls alone. *See* Issue Nos. 6-8.
7. Claims 36-41 stand or fall together. *See* Issue No. 9.

Reasons for separate patentability of the above-indicated Claim Groups 1-7 are presented in the Arguments section pursuant to 37 C.F.R. § 1.192(c)(5).

VIII. ARGUMENT

A. Claims 1-8, 10, 12-17, and 42-43 Are Patentable Over The Combination Of Katsurabayashi And Boss (Issues 1-3).

Claims 1-8, 10, 12-17, and 42-43 were rejected under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Boss. Katsurabayashi discloses "an application sharing program" providing "the ability to select windows to be displayed and windows to be hidden for each user." (Katsurabayashi, Abstract.) Similarly, Boss discloses "[a] host user designat[ing] an application to be shared," thereby causing a client application to "render an image of all windows of a shared application." (Boss, Abstract.) Katsurabayashi and Boss each fail to teach or suggest significant features of Appellants' claimed invention.

1. Claims 1-13 (Issue 1)

Independent claims 1-2 recite selecting a document or documents "to be shared by the host user," and selecting an audience member or members with whom to share the documents. Independent claim 7 recites "selecting by the host user the document" and "selecting by the host user the participant." Similarly, independent claim 8 recites determining if a file associated with an application program has been selected and, if so, "providing a share view menu."

In Remarks filed April 30, 2004 (page 16), Appellants argued that the Examiner had failed to address the claim limitations directed toward selecting a document or documents. In the Final Office Action (page 9), the Examiner responded that "[t]he intent of relying on Katsurabayashi . . . was to enable shared access to a single window

session on multiple workstations. When this connection is made, then a single instance, opened on a single file or document, will then be created." The Final Office Action accordingly addresses these claim limitations by stating that "claim 1's 'sharing between a host user and at least one audience member' follows in the teaching of Katsurabayashi, in that 'selecting the at least one audience member' reads upon selecting a window's display status for individual users." In fact, as explained herein, Katsurabayashi's teaching is quite different from the requirements of claims 1-2 and 7-8.

The Examiner's response, in the Final Office Action, to Appellants' April 30, 2004 Remarks clearly concedes that Katsurabayashi does not explicitly teach the recited selection of a document or documents, and appears to argue that selecting a document is inherent in "a single window session on multiple workstations." Appellants respectfully disagree; the Examiner has provided no reason why "a single window instance" could not be opened other than "on a single file or document." (*See* Final Office Action, page 9.) Indeed, "a single window instance" could surely be opened in numerous ways not requiring or using "a file or document", such as using an object maintained only in volatile memory.

Nothing in Katsurabayashi says anything about selecting a document or documents for sharing. In fact, Katsurabayashi plainly teaches, at most, determining which windows in an application that a user should see, rather than determining a selection of documents or files to be provided in a shared view as is required by Appellants' claims. (*See* Katsurabayashi, Abstract.) That is, Katsurabayashi is directed, at most, to allowing users to share *an application*, not to allowing users to share selected files and/or documents *within an application*.

Further, even if Katsurabayashi did teach sharing selected documents and files, it is clear that any such selection would occur *after* a connection between the host and a client or clients had been established. The mechanisms disclosed by Katsurabayashi for selecting windows for display to different users are applied when an application capable of receiving sharing events is already running in a local computer. (Katsurabayashi, 3: 65 – 4: 3.) Claims 1-2 and 7-8, in contrast, recite selecting a file or document and *then* establishing a shared viewing thereof. That is, Appellants' claims allow sharing of only windows and objects selected by a user, a feature not found in Katsurabayashi. As

Appellants' Specification (2: 22 – 3: 2) explains, this feature of the presently claimed invention, by allowing application programs to be minimally shared, provides a significant advantage over the teachings of the prior art.

The Examiner, on the other hand, contended that the claims make "no mention of the particular connection sequence in which the software interacts with the actual network in making the call." (Final Office Action, page 9.) The Examiner appears to have based his contention on the fact that the claims do not explicitly recite that real-time shared viewing is established after a document is selected. However, this sequence is clear from the face of the claim language. Representative claim 1, for example, recites three steps: (1) selecting at least one document to be shared; (2) selecting at least one audience member with whom to share the document; and (3) establishing a real-time shared viewing of the document between the audience member and the host user. The third step plainly requires, *inter alia,* that the document to be shared has already been selected; otherwise, the recited method would not be able to establish a shared viewing of the document.

The Examiner has conceded that Katsurabayashi does not teach selecting a document to be shared and then establishing a real-time shared viewing of the document. Indeed, as noted above, Katsurabayashi does not teach the shared viewing of a document at all. Accordingly, for at least the foregoing reasons, claims 1-2 and 7-8 as well as dependent claims 3-6 and 9-13, depending respectively therefrom, are in condition for allowance, and the Examiner's Final Rejection should be reversed.

2. Claim 10 (Issue 2)

Claim 10, which depends from independent claim 8, recites "a participant list associated with the share view menu in response to the selection of the file." The Examiner contends (Final Office Action, page 5) that "[t]he 'participant list' of claim 10 . . . is characteristic of Katsurabayashi's management table contents", and further contends (Final Office Action, page 9) that "in the Katsurabayashi table, sharing participants are indeed associated with a 'menu' that indicates their ability to 'view', when taken in view of Boss's host user selection interface." Thus, the Examiner appears to have conceded that Katsurabayashi does not teach the recited "participant list associated with the share view menu in response to the selection of the file", and to have

relied on Boss for teaching this limitation. However, the Examiner stated no motivation to combine Katsurabayashi and Boss to meet the recited limitation, and failed to state a *prima facie* case of obviousness for this reason alone. (*See* Final Office Action, pages 5, 10.)

Moreover, neither Katsurabayashi nor Boss teaches anything resembling the recited participant list associated with the share view menu. As Appellants disclosed (*see, e.g.*, Specification, 9: 12-16; Fig. 5B), the share view menu allows selection of the participants with whom a document or file may be shared. Katsurabayashi actually teaches away from the claimed invention by disclosing that its user information management unit handles all decisions about what windows to display to each user. Katsurabayashi's disclosure thus obviates any need to display the recited share view menu. Moreover, Katsurabayashi is therefore incapable of any combination teaching or suggesting "a participant list associated with the share view menu in response to the selection of the file".

Neither does Boss teach the recited participant list associated with the share view menu. Boss teaches only application sharing between a host and a client, but is silent as to how the client is selected for association with particular files. In fact, Boss teaches away from a method using the recited participant list because Boss plainly teaches sharing windows only between a host and a single client. (Abstract; *see also* Figs. 2, 7, 8, 10, and 12.) Boss, having in effect only one "participant", has no reason to even suggest "a participant list associated with the share view menu in response to the selection of the file." Boss is therefore incapable of combination with Katsurabayashi, or any other reference, for teaching this claim limitation.

Accordingly, for at least this reason alone, claim 10 is in condition for allowance, and the Examiner's Final Rejection should be reversed.

3. Claims 14 and 17 (Issue 3)

Independent claims 14 and 17 recite "displaying the window list in a user interface." The Final Office Action (page 2) contended that it would have been obvious to modify Katsurabayashi by Boss' alleged teaching that "a host user designates an application to be shared [which] meets this claim limitation." The Final Office Action (page 3) further contended that it would have been obvious to modify Katsurabayashi

with Boss' "user designation, because this provides a more precise level of control over the exact sharing that takes place."

Appellants respectfully disagree that the Examiner's statement provides a motivation to combine Katsurabayashi and Boss. Further, it is unclear what the Final Office Action means by "a more precise level control over the exact sharing that takes place," or why one of ordinary skill would have seen such to be advantageous. Moreover, the Final Office Action provides no support in the prior art for the purported motivation to combine Katsurabayashi and Boss. To the extent the Examiner intended to take Official Notice of a motivation to combine Katsurabayashi and Boss, Appellants seasonably challenged the Official Notice taken by the Examiner. *See* 37 CFR 1.104(d)(2) and MPEP §2144.03. However, the Examiner has not produced documentary proof of the motivation to combine Katsurabayashi and Boss as evidence of the Official Notice, nor has the Examiner provided citation to any prior art of record as teaching such a motivation.

Further, Boss does not in fact teach *displaying* a window list. At most, Boss teaches maintaining a window list for keeping track of application windows shared between Boss' host user and client user. (Boss, 6: 19-23; *see also* Fig. 5a, blocks 322-324.) Boss makes no teaching or suggestion that the disclosed window list is ever *displayed in a user interface.* Indeed, the purpose of Boss' windows list is to track windows that are being displayed. Boss would have no reason to *display* a windows list because all of the windows on Boss' windows list are themselves being displayed and managed by Boss' host. (Boss, 6: 15-23.)

Also, Katsurabayashi teaches away from the proposed combination with Boss. Katsurabayashi teaches a "management table" (*see* Fig. 3) that is maintained by a "user information management unit". (Katsurabayashi , 8: 24-35.) Katsurabayashi plainly teaches away from the claimed invention by disclosing that its user information management unit handles all decisions about what windows to display to each user. Katsurabayashi's disclosure thus obviates any need to display a window list. The present invention, in contrast, displays a window list in a user interface, advantageously allowing a user to select windows to be displayed to selected users. (Specification, page 9, line 4 – page 10, line 3.) Inasmuch as Katsurabayashi teaches away from a user selecting

windows to be displayed, Katsurabayashi is not capable of the proposed combination with Boss, providing yet a further reason why claims 14 and 17 are not obvious over the proposed combination of Katsurabayashi and Boss.

Accordingly, for at least the foregoing reasons, claims 14-17 are in condition for allowance, and the Examiner's Final Rejection should be reversed.

3. Claims 42-43 (Issue 4)

Independent claim 42 requires an "operating system configured for user selection of at least one window and at least one recipient." Similarly, independent claim 43 requires an "operating system configured for user selection of at least one object and at least one recipient." Although the Final Office Action did not explicitly address claims 42-43 (*see* page 4), the Examiner has apparently replied on Katsurabayashi as teaching the afore-mentioned claim limitations.

Nothing in Katsurabayashi says anything about selecting windows or objects for sharing, much less for sharing with particular recipients, as required by claims 42 and 43. In fact, as noted above, Katsurabayashi plainly teaches, at most, determining which windows in an application that a user should see as part of an application to be shared, rather than determining a selection of windows or objects to be provided in a shared view as is required by Appellants' claims. (*See* Katsurabayashi, Abstract.) That is, Katsurabayashi is directed, at most, to allowing users to share *an application*, not to allowing users to share selected windows or objects *within an application*.

Further, even if Katsurabayashi did teach sharing selected windows or objects, it is clear that any such selection would occur *after* a connection between the host and a client or clients had been established. The mechanisms disclosed by Katsurabayashi for selecting windows for display to different users are applied when an application capable of receiving sharing events is already running in a local computer. (Katsurabayashi, 3: 65 – 4: 3.) Claims 42 and 43, in contrast, recite system elements that clearly operate when a window or object is selected and *then* a shared viewing thereof is established. That is, claims 42 and 43 allow sharing of only windows and objects selected by a user, a feature not found in Katsurabayashi. As Appellants' Specification (2: 22 – 3: 2) explains, this feature of the presently claimed invention, by allowing application programs to be minimally shared, provides a significant advantage over the teachings of the prior art.

Accordingly, for at least this reason alone, claims 42-43 are in condition for allowance, and the Examiner's Final Rejection should be reversed.

B. Claims 26-28 Are Patentable Over The Combination Of Katsurabayashi And Larson (Issue 5).

Independent claims 26 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Larson. Claim 26 includes the limitations of "selecting a name to save state of the application-sharing meeting configuration," "saving an address for each participant," and "saving descriptors for each shared application." The Examiner conceded (Final Office Action, pages 5-6) that Katsurabayashi does not teach these limitations, and cited Larson as allegedly compensating for the acknowledged deficiencies of Katsurabayashi.

However, the Final Office Action failed to state a *prima facie* case of obviousness in rejecting claims 26 and 28. Specifically, the Final Office Action did not provide support, either by way of Official Notice or citation to the prior art of record, for the assertion (page 7) that one of ordinary skill in the art would have been motivated to combine Katsurabayashi and Larson "because this better preserves the structure of a collaborative work established by Katsurabayashi for later use." The Examiner contended that Katsurabayashi and Larson are each "sufficiently related to digitally mediated collaborative work for the motivation to be present," (Final Office Action, page 9), but never explained where or how such motivation was found in Katsurabayashi, Larson, or any other prior art reference. In sum, the Office Action does not appear to suggest that motivation to combine Katsurabayashi and Larson is found in the prior art of record, and Appellants do not in fact believe that such motivation is found in the prior art of record. *See* MPEP § 2143.01. To the extent the Examiner intended to take Official Notice of a motivation to combine Katsurabayashi and Larson, Appellants seasonably challenged the Official Notice taken by the Examiner. *See* 37 CFR 1.104(d)(2) and MPEP §2144.03. However, the Examiner has not produced documentary proof of the motivation to combine Katsurabayashi and Larson as evidence of Official Notice, nor has the Examiner provided citation to any prior art of record as teaching such a motivation.

Further, Katsurabayashi and Larson are not in fact capable of combination. Katsurabayashi teaches a system for sharing a computer application. (Abstract.) Larson teaches a system for storing parameters relating to a video conference. (Abstract; col. 5,

line 57 – col. 6, line 35.) Accordingly, the conference object disclosed by Larson (Fig. 4) simply would not have been functional in the context of Katsurabayashi's application-sharing system. Specifically, many of the fields stored in Larson's conference object, including fields in session profile 75, participant profile 76, and policy profile 79, simply would have had no applicability to Katsurabayashi's system.

Moreover, Katsurabayashi teaches enabling multiple users to participate in a single session of a computer application, a different art than Larson's disclosure of saving conference data. There is no suggestion in the prior art that one of ordinary skill would have been motivated to apply Larson's teachings in the field of saving conference data to Katsurabayashi's teaching of enabling computer application collaboration, much less that one of ordinary skill *could* have done so. The fact that "each reference is . . . related to digitally mediated collaborative work", even if true, does not change the fact that as explained above, any attempt to combine these references would render them inoperative.

For at least the foregoing reasons, independent claims 26 and 28 are in condition for allowance, and the Examiner's Final Rejection should be reversed.

C. Claims 30 and 36-41 Are Patentable Over The Combination Of Katsurabayashi And Anderson.

Independent claims 30, 36, and 39, as well as dependent claims 37-38 and 40-41, were rejected under 35 U.S.C. § 103(a) as obvious over Katsurabayashi in view of Anderson. For the reasons stated below, Appellants respectfully submit that each of these rejections should be reversed.

1. Claim 30: "use item" (Issue 6)

Independent claim 30 recites "setting a use item equal to a menu item." As Appellants' Specification explains (20: 18-20), a use item comprises a name and a network address. As argued in Appellants' April 30, 2004 Remarks, and left unrebutted in the Final Office Action, rejection of claim 30 (Final Office Action, page 6) depends on the implicit assertion that Katsurabayashi's management table comprises use items, and on the explicitly asserted equivalence of Katsurabayashi's management table with a menu. However, nothing in Katsurabayashi remotely teaches or suggests the recited use item, and Katsurabayashi's management table certainly does not contain use items.

In fact, Katsurabayashi's management table does not contain network addresses at all. (*See* Katsurabayashi, Fig. 3.) Further, as discussed above, Katsurabayashi's

management table is actually incompatible with user selection of an item in a user interface, *i.e.*, a menu, because Katsurabayashi's management table is a data structure used to facilitate a management unit's determination of what windows to display to a user. As also discussed above, Katsurabayashi's management table is never displayed in a user interface, and thus cannot be the menu recited in claim 30. Indeed, Appellants' disclosure (*e.g.*, Figs. 5A – 5D) makes clear that the recited menu is displayed in a user interface to facilitate user selection of items. As noted above, Katsurabayashi teaches away from such user selection. Katsurabayashi thus plainly does not read on claim 30's limitation of "setting a use item equal to a menu item," nor would Katsurabayashi be capable of combination for any reference that did so teach.

For at least the foregoing reasons, claim 30 is in condition for allowance, and the Examiner's Final Rejection should be reversed.

2. Claim 30: "determining if the use item is currently in use . . ." (Issue 7)

The Final Office Action (page 6) concedes that Katsurabayashi does not teach the requirements of claim 30 of "determining if the use item is currently in use" and "if the use item is not in use, setting a label of the use item to the target name; setting an address of the use item to the associated network address; and enabling use of the use item." The Examiner relied on Anderson to make up for Katsurabayashi's acknowledged deficiencies, although the Examiner's rejection of claim 30 (Final Office Action, page 7) asserts that Anderson teaches merely "activation of a shared application" (emphases in original), failing to address specifically the afore-mentioned limitations of claim 30. At a minimum, Anderson clearly fails to teach the recited menu item, much less setting a use item equal to a menu item. The Examiner, in contrast, has argued that "the Anderson interface provides direct user access to a collection of display objects indicating connectivity status. One that is indeed connected corresponds to a 'use' at that menu item." (Final Office Action, page 10.)

However, contrary to the Examiner's unsupported argument, the mere fact that Anderson teaches application sharing and further discloses displaying connectivity status says nothing about whether Anderson meets the limitations of "determining if the use item is currently in use" and "if the use item is not in use, setting a label of the use item to the target name; setting an address of the use item to the associated network address; and

enabling use of the use item." Anderson simply says nothing directed toward these limitations, and the Final Office Action wholly fails to address them.

For at least the foregoing reasons, claim 30 is in condition for allowance, and the Examiner's Final Rejection should be reversed.

3. Claim 30: "determining if the use item is currently in use . . ." (Issue 8)

In addition to Andersen's failure to teach or suggest any of the elements of claim 30, as discussed in the preceding section, Andersen fails as a reference against claim 30 because it would have been impossible for one of ordinary skill in the art to have modified Katsurabayashi with the teachings of Andersen. Indeed, Anderson is incapable of any combination incorporating the limitations of claim 30. Anderson is directed toward exchanging messages over a network in order to activate application sharing (Abstract; col. 3, lines 3-22), but teaches nothing about how network addresses are selected for application sharing, as is plainly required by claim 30 read in light of the specification. In fact, Anderson's disclosure assumes that a connection between a host computer and a guest computer has been established, and provides a mechanism for activating applications shared between the two. (*E.g.*, col. 3, lines 3-63.) Thus, Anderson certainly could not make any teaching directed toward setting a use item equal to a menu item, or determining if a use item, *i.e.*, a name, network address pair, was currently in use.

For at least the foregoing reasons, claim 30 is in condition for allowance, and the Examiner's Final Rejection should be reversed.

4. Claims 36 and 39 (Issue 9)

Independent claims 36 and 39 each require "a call manager configured to maintain status information regarding the connectivity, the status information including current number of active participants." The Final Office Action (page 7) asserted that Anderson suggests the "call manager" recited in claims 36 and 39 because Anderson teaches displaying "status information regarding the connectivity" of an application sharing program."

As Appellants' Specification explains (page 23, lines 4-14), the call manager is well known in the art. However, the prior art does not teach or suggest using the call manager in the novel way recited in claims 36 and 39. In particular, sharing applications

as taught in Anderson is different from managing a call with multiple participants as recited in claim 36. At a minimum Anderson does not teach "the status information including the current number of participants" as recited in claims 36 and 39. Indeed, Anderson cannot even suggest such a teaching because Anderson is not directed toward the field of conferencing participants, but rather is directed only toward sharing applications between computers.

The Examiner has asserted to the contrary that:

> in conjunction with the management table of Katsurabayashi, in which participants are coordinated with a window, Anderson indeed contains the needed suggestion of showing connection status in a graphical display, even if the **explicitly** shown embodiment is in "sharing applications" and not "conferencing participants." (Final Office Action, page 10.)

However, the Examiner has wholly failed to address the specific deficiency of Anderson identified above: Anderson does not teach, and cannot suggest, "the status information including the current number of participants." Showing status information pertaining to shared computer applications has nothing to do with displaying the number of participants on a call. Because Anderson is directed toward sharing computer applications and not toward managing a call with multiple participants, Anderson is incapable of reading on claims 26 and 39.

For at least the foregoing reason, claims 36 and 39, and also claims 37-38 and 40-41, depending therefrom, are in condition for allowance, and the Examiner's Final Rejection should be reversed.

IX. CONCLUSION

In view of the foregoing arguments, Appellants respectfully submits that the pending claims are novel over the cited references. The Examiner's rejection of Claims 1-17, 26, 28, 30, and 36-43 is improper because the prior art of record does not teach or suggest each and every element of the claimed invention. In view of the above analysis, a reversal of the rejections of record is respectfully requested of this Honorable Board.

Appellants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 99-820 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of

time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to the above account.

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Respectfully submitted,

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X. APPENDIX – CLAIMS ON APPEAL

1. (Original) A method of application sharing between a host user and at least one audience member, consisting of:

selecting at least one document to be shared by the host user;

selecting the at least one audience member with whom to share the at least one document; and

automatically establishing a substantially real-time shared viewing of the at least one document between the at least one audience member and the host user.

2. (Original) A method of application sharing between a host user and audience members, consisting of:

selecting documents to be shared by the host user;

selecting the audience members with whom to share the documents; and

automatically establishing a substantially real-time shared viewing of the documents between the audience members and the host user.

3. (Original) The method of Claim 2, wherein the documents are selected by selecting a first single object.

4. (Original) The method of Claim 3, wherein the audience members are selected by selecting a second single object.

5. (Original) The method of Claim 2, wherein the audience members are selected by selecting a first single object.

6. (Original) The method of Claim 5, wherein the documents are selected by selecting a second single object.

7. (Original) A method of application sharing between a host user and a participant, comprising:

providing a first computer system having a first operating system, a first conferencing program and an interface program;

providing a document and an application program associated with the document on the first computer system;

providing a second computer system having a second operating system and a second conferencing program;

providing a communication link operatively coupling the first computer system to the second computer system;

selecting by the host user the document;

selecting by the host user the participant; and

automatically establishing a substantially real-time shared viewing of the document on the first computer system and the second computer system using the interface program.

8. (Original) A method for application sharing between a host user and a participant, comprising:

providing a computer system, the computer system having an operating system, an application program and a conferencing program;

providing a file associated with the application program on the computer system;

initiating an interface program;

providing a graphic user interface on the computer system associated with the interface program;

initializing an application list for the graphic user interface;

determining if the file associated with the application program has been selected; and

providing a share view menu in response to a selection of the file.

9. (Original) The method of Claim 8, further comprising:

providing a second computer system, the second computer system having another operating system compatible with the operating system and having another conferencing program compatible with the conferencing program;

providing a status indicator for the graphic user interface;

operatively coupling the first computer system and the second computer system for communication therebetween; and

contextually updating the status indicator responsive to connection status between the first computer system and the second computer system.

10. (Original) The method of Claim 8, further comprising providing a participant list associated with the share view menu in response to the selection of the file.

11. (Original) The method of Claim 8, further comprising:

providing a second computer system, the second computer system having another operating system compatible with the operating system and having another conferencing program compatible with the conferencing program;

providing a status indicator for the graphic user interface;

operatively coupling the first computer system and the second computer system for communication therebetween; and

contextually updating the status indicator responsive to connection status between the first computer system and the second computer system.

12. (Original) The method of Claim 8, wherein the application list is configurable to provide window titles.

13. (Original) The method of Claim 8, wherein the application list is configurable to provide document titles.

14. (Previously presented) A method for providing a window list, comprising:

providing a computer system, the computer system having a windowing operating system;

displaying the window list in a user interface;

locating a window;

obtaining information associated with the window; and

using at least one heuristic and the information to determine if the window should be added to the window list.

15. (Original) The method of Claim 14, further comprising:

adding the window to the window list; and

locating another window.

16. (Original) The method of Claim 14, further comprising:

determining whether the window is already on the window list;

if the window is not already on the window list, adding the window to the window list:

if the window is already on the window list, using the information to update the window on the window list; and

determining whether another window is available.

17. (Previously presented) A method for providing a window list, comprising:

providing a computer system, the computer system having a windowing operating system;

locating a window;

displaying the window list in a user interface;

obtaining information associated with the window; and

using heuristics and the information for:

determining if the window should be added to the window list; and

if the window should be added to the window list, determining how at least a portion of the information should appear on the window list.

26. (Original) A method for storing an application-sharing meeting configuration, comprising:

providing a programmed computer system;

selecting a name to save state of the application-sharing meeting configuration;

saving an address for each participant;

saving descriptors for each shared application; and

adding the name to the application-sharing meeting configuration.

28. (Original) A method for storing an application-sharing meeting configuration, comprising:

providing a programmed computer system;

selecting a save meeting command;

selecting a name to save a state of the application-sharing meeting configuration;

saving an address for each participant of the application-sharing meeting configuration to the programmed computer system;

saving descriptors for each shared application of the application-sharing meeting configuration to the programmed computer system; and

saving the name to the application-sharing meeting configuration.

30. (Original) A method of adjusting a participant list, comprising:

providing a target name and associated network address;

setting a use item equal to a menu item;

determining if the use item is currently in use;

if the use item is not in use,

setting a label of the use item to the target name;

setting an address of the use item to the associated network address; and

enabling use of the use item.

36. (Original) A system for application sharing, comprising:

a call manager, the call manager having an interface program;

a plurality of communication devices for electrical communication with the call manager;

the call manager configured to manage calls to and from the plurality of communication devices for establishing connectivity for the application sharing; and

the interface program in cooperation with the call manager configured to maintain status information regarding the connectivity, the status information including current number of active participants.

37. (Original) The system of Claim 36, wherein the interface program automatically establishes at least a substantially real-time shared viewing of at least one document between at least one audience member and a host user, wherein the host user only selects the at least one document to be shared and the at least one audience member with whom to share the at least one document to initiate the substantially real-time shared viewing.

38. (Original) The system of Claim 37, wherein the status information includes a name for each active participant.

39. (Original) A system for application sharing, comprising:

a call manager;

a plurality of computer systems which may be put in electrical communication with the call manager, at least one of the plurality of computer systems having an interface program;

the interface program configured to initiate calls to the plurality of computer systems;

the call manager configured to manage the calls to the plurality of computer systems for the application sharing; and

the interface program in cooperation with the call manager configured to maintain status information regarding the connectivity, the status information including current number of active participants.

40. (Original) The system of Claim 39, wherein the interface program automatically establishes at least a substantially real-time shared viewing of at least one document between at least one audience member and a host user, wherein the host user only selects the at least one document to be shared and the at least one audience member with whom to share the at least one document to initiate the substantially real-time shared viewing.

41. (Original) The system of Claim 40, wherein the status information includes a name for each active participant.

42. (Original) A computer system for application sharing, comprising:

a central processing unit;

memory operatively coupled to the central processing unit, the memory comprising:

an operating system for operation of the computer system;

a conferencing program;

an application program;

an interface program, the interface program comprising:

a graphic user interface, the graphic user interface in cooperation with the operating system configured for user selection of at least one window and at least one recipient;

the interface program in cooperation with the conferencing program configured to establish application shared viewing in response to selection of the at least one window and the at least one recipient;

a display device having a screen display;

at least one input device for manipulating image objects on the screen display; and

at least one input/output device for operatively coupling the computer system with at least one other computer system.

43. (Original) A computer system for application sharing, comprising:

a central processing unit;

memory operatively coupled to the central processing unit, the memory comprising:

an operating system for operation of the computer system;

a conferencing program;

an application program;

an interface program, the interface program comprising:

a graphic user interface, the graphic user interface in cooperation with the operating system configured for user selection of at least one object and at least one recipient;

the interface program in cooperation with the conferencing program configured to establish application shared viewing in response to selection of the at least one object and the at least one recipient;

a display device having a screen display;

at least one input device for manipulating image objects on the screen display; and

at least one input/output device for operatively Coupling the computer system with at least one other computer system.